

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1456 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAKRAND R JOSHI

Versus

BHARTIYA VIDYA BHAVAN

Appearance:

MR G.M. Joshi, for Mr.PRASHANT G DESAI for Petitioner
MR SI NANAVATI for Respondent No. 1
SERVED, but none present for Respondent No. 2
MR SN SHELAT for Respondent No. 3
Mr.N.N. Pandya, instructed by M/S A & D for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/06/96

ORAL JUDGEMENT

Heard the learned counsel for the parties. The petitioner's claim is that he is entitled for the gratuity for the period he served with respondents No.1 and 4 and this amount is stated to be Rs.4,600/-. None

of the respondents has filed reply to this Special Civil Application and they are also unable to come out with a case how this claim of the petitioner is not tenable. In this Special Civil Application, Rule was issued by this Court on 29th of June, 1981 and the interim relief has been granted in the following terms :-

(1) The first and fourth respondents will
respectively deposit in this Court within
a period of 15 days from today the
following amounts :-

(a) The first respondent ...
Rs.2875/-

(b) The fourth respondent ...
Rs.1525/-

(2) The Additional Registrar shall make
arrangement for immediate deposit of the
total amount of Rs.4400/- in a fixed
deposit with a nationalised bank for a
period of 39 months in his own name. The
interest accruing due on the said fixed
deposit monthly/quarterly shall be
payable to the petitioner during the
pendency of this petition.

(3) The ultimate disposition of the amount
shall abide by the final decision of the
petitioner."

In pursuance of the aforesaid order, respondents No.1 and 4 had deposited the amount of Rs.4,400/- as ordered in a fixed deposit with a nationalised bank in the name of the Additional Registrar. The petitioner is getting the interest accruing on the aforesaid deposit. The learned counsel for the petitioner has not disputed that the amount payable to the petitioner is taken to be Rs.4,400/-. Taking into consideration the totality of facts, in the result, this Special Civil Application is allowed in terms of the interim relief granted by this Court and the entitlement of the petitioner for the amount of gratuity is Rs.4,400/-, in the proportion of Rs.2,875/- and Rs.1,525/-, to be payable by respondents No.1 and 4. This amount has already been deposited by those respondents in this Court and the same is lying deposited in fixed deposit receipt in the name of the Additional Registrar of this Court. The office is directed to immediately get the fixed deposit receipt of the amount of Rs.4,400/- withdrawn and the aforesaid amount be paid to the petitioner by account payee cheque

forthwith. Rule is made absolute in the aforesaid terms.
No order as to costs.

(apj)